

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

27074

FILE: B-213867

DATE: December 14, 1983

MATTER OF: Heart of America Police Supply

DIGEST:

A protest concerning various alleged defects in a specification filed after bid opening is untimely because the protest concerns alleged improprieties in the solicitation that were apparent prior to bid opening.

Heart of America Police Supply protests various alleged defects in invitation for bids (IFB) No. JFJMD-84-B-0003, issued by the Department of Justice. The protest is dismissed.

Bid opening for this IFB occurred on December 2, 1983 at 2:00 p.m. eastern standard time (E.S.T.). The telegram transmitting the protest was received in this Office on December 2, at 2:50 p.m., E.S.T. as evidenced by the automatic time imprint at the end of the message. GAO bid protest procedures require that protests based on alleged improprieties in a solicitation that are apparent prior to bid opening "shall" be filed (received in GAO) prior to bid opening. 4 C.F.R. § 21.2(b) (1983). Since this protest concerns alleged defects in the specifications that were apparent prior to bid opening, the protest is not timely and will not be considered.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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